MIKE JOHANNS NEBRASKA

404 RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510 (202) 224-4224 (202) 228-0436 FAX (202) 228-4285 TTY



WASHINGTON, DC 20510

October 21, 2010

COMMITTEES:
AGRICULTURE, NUTRITION AND FORESTRY

BANKING, HOUSING AND URBAN AFFAIRS

COMMERCE, SCIENCE AND TRANSPORTATION

VETERANS' AFFAIRS

INDIAN AFFAIRS

The Honorable Hillary Rodham Clinton Secretary of State U.S. Department of State 2201 C Street N.W. Washington, D.C. 20520

Dear Secretary Clinton:

I read with some dismay reports of your comments last Friday before the Commonwealth Club of San Francisco regarding the proposed Keystone XL pipeline. While you acknowledged that you "haven't finished all of the analysis" and your staff indicated they are still reviewing "the thousands of comments we have received," your indication that the State Department "is inclined" to grant approval for the pipeline appears to prejudge the outcome as a foregone conclusion.

A premature decision of this magnitude is unfortunate, especially in light of the significant concerns I outlined to you in a letter the previous day regarding the proposed pathway of this pipeline. I do not object to oil pipelines in Nebraska, but there is heightened environmental sensitivity when a pipeline traverses an irreplaceable natural resource, the Ogallala Aquifer, with little examination of potentially preferable alternatives. Furthermore, your department's Draft Environmental Impact Statement (DEIS) fails to assess in a substantive manner the porous soil along the proposed route, which may make the aquifer especially susceptible to a potential spill. At stake is the essential source of 78 percent of Nebraska's drinking water, yet the DEIS and your comments lead me to believe it is this Administration's intention to simply accept the pipeline route as proposed.

As I stated in my letter dated October 14, 2010, the DEIS considered no alternative to a route originating from Morgan, Montana, and offers no explanation for the limited scope of the analysis. This concern could be addressed by evaluating an existing TransCanada pipeline route, which crosses the eastern part of Nebraska and may be a preferable route for the Keystone XL pipeline. The existing pathway represents a far shorter route through the U.S. than those considered in your department's analysis.

Your comments inspire further doubt as to the validity of the review process undertaken by the department. As a former Cabinet Secretary, I understand the importance of avoiding any

prejudgment of a pre-decisional document that is still under review. Doing otherwise would not be consistent with the Administrative Procedures Act and would risk disenfranchising those "thousands" of people who took the time to comment on this important DEIS.

I ask that you reassert your resolve and that of your staff to ensure that all public comments are fairly evaluated, other shorter and potentially more environmentally-sound routes are examined, and the final decision is based on the best interests of our nation. I look forward to your prompt reply.

Sincerely,

Mike Johanns

United States Senator